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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,116	01/12/2001	Brian T. Jordan	IP105.1	7316

23470 7590 10/09/2002

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EXAMINER

MCANULTY, TIMOTHY P

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/681,116	JORDAN, BRIAN T.
	Examiner	Art Unit
	Timothy P McAnulty	3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 August 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 05 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Invention II in Paper No. 4, filed 02 August 2002 is acknowledged. The traversal is on the ground(s) that Inventions I and II are not distinct due to newly added claims 29-32, which include the step of displaying a current bicycle speed on a display has been considered and deemed persuasive. Accordingly, the restriction requirement set forth in Paper No. 3, mailed 02 August 2002 is hereby withdrawn.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the step of shifting the bicycle transmission into a lowest gear after actuating the controller to enter the setting mode as claimed in claims 5,12, and 27 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 10 is objected to because of the following informalities: In lines 2-3 of claim 10, "further comprising the step of" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 24-28,31, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 is unclear regarding the step of “manually shifting the bicycle transmission” as recited in line 5 of claim 24. It is unclear how a computer program can manually shift the bicycle transmission.

The recitation of “each rider-selected gear” in line 9 of claim 24 lacks antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Spencer et al. Spencer et al. discloses in figures 1,2,21-27, in lines 28-42 of column 6, and in lines 52-63 of column 14 a gear shifting system for a bicycle transmission which operates in three modes, a manual mode, an automatic mode, and a learning mode wherein control of the transmission

comprises actuating a controller to enter the learning mode in which a rider manual shifts the bicycle transmission through selected gears; storing bicycle speeds for the selected gears associated with the manual shifts; the controller defining speed ranges for the selected gears; automatically shifting the bicycle transmission when operating in the automatic mode by measuring a current bicycle speed; determining a current gear of the bicycle transmission; comparing the current bicycle speed with a defined speed range for the current gear; and shifting the bicycle transmission from the current gear to another gear when the bicycle speed is outside the defined speed range for the current gear.

The gear shift system in addition to the controller 21 comprises a wheel speed input 23; a gear control output 32,33; a display 31 which Spencer et al. further discloses in lines 32-41 of column 3 displays at least the current bicycle speed and/or the selected gear; a mode selector; a shifter; and a memory 22 on which a computer program is recorded.

Regarding claims 5,12, and 27, shifting the bicycle transmission into the lowest gear upon actuation of the setting mode would be inherent so that all of the gears of the bicycle transmission will be manually selected during the setting mode thus ensuring a speed range is defined for all selectable gears.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art regarding automatic bicycle transmissions in general:

US Patent No. 6,146,297 to Kimura

US Patent No. 5,551,315 to Pikoulas

US Patent No. 5,266,065 to Ancarani Retelli

US Patent No. 5,261,858 to Browning

US Patent No. 5,213,548 to Colbert et al.

US Patent No. 4,490,127 to Matsumoto et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.


DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

tpm 
October 3, 2002